

**APR 12 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

ANA ISABEL BARRIENTOS-  
BARRERA,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General; ALBERTO R. GONZALES,  
Attorney General,

Respondents.

No. 04-76669

Agency No. A76-266-354

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 5, 2006<sup>\*\*</sup>

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Ana Isabel Barrientos-Barrera, a native and citizen of Guatemala, petitions  
pro se for review of an order of the Board of Immigration Appeals (“BIA”)

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

affirming, without opinion, an immigration judge's ("IJ") decision denying her application for asylum and withholding of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for substantial evidence, *Rodriguez-Rivera v. INS*, 848 F.2d 998, 1001 (9th Cir. 1988), we deny the petition for review.

The record would not compel a reasonable fact-finder to conclude that Barrientos-Barrera has established past persecution or a well-founded fear of future persecution by guerrillas based on their attempts to recruit Barrientos-Barrera's husband and her refusal to inform the guerrillas of her husband's whereabouts. *See id.* at 1006 (threats from guerrillas may suffice to create a well-founded fear of persecution only if the record demonstrates that the guerrillas have the will or ability to carry out the threats); *see also Lim v. INS*, 224 F.3d 929, 936 (9th Cir. 2000) (holding that "[t]hreats standing alone . . . constitute past persecution in only a small category of cases, and only when the threats are so menacing as to cause significant actual 'suffering or harm'") (citation omitted). Accordingly, Barrientos-Barrera failed to establish eligibility for asylum.

Because Barrientos-Barrera failed to establish eligibility for asylum, she necessarily failed to meet the more stringent standard for withholding of removal. *See Rodriguez-Rivera*, 848 F.2d at 1007.

Barrientos-Barrera's contention that the BIA inadequately articulated its reasons for denying relief is foreclosed by *Falcon Carriche v. Ashcroft*, 350 F.3d 845, 848, 850-51 (9th Cir. 2003).

**PETITION FOR REVIEW DENIED.**